#### **REMARKS**

This response is filed in response to the non-final Office action dated March 30, 2004.

All objections and rejections are respectfully traversed. Reconsideration of the application, as amended, is respectfully requested.

Claims 30-59 are pending.

The Applicants have amended claims 30, 36, 38-39 and 42-44 to better claim the invention.

The Applicants have added new claims 45-59 which comprise the same or similar patentable subject matter as allowed claims 27-29 and 32-33 in Applicants' parent application 09/001,478, filed December 31, 1997, which issued on October 8, 2002 as U.S. Patent No. 6,463,068. No new matter is being introduced.

The specification has been amended to include a reference to the Applicants' parent application, U.S. Patent Application Serial No. 09/001,478 which, as noted above, issued on October 8, 2002 as U.S. Patent No. 6,463,068.

At paragraph 1 in the Office action, the Applicants' declaration was found to be defective because the serial number and filing date of the specification were determined to be incorrect on page 1 of the declaration.

Because the instant application was filed as a continuation patent application under 35 U.S.C. §120, the Applicants submitted a copy of their declaration as originally filed in the parent application 09/001,478, now U.S. Patent No. 6,463,068. See MPEP 602.05(a). Moreover, the

Applicants' "Utility Patent Application Transmittal" form filed on July 14, 2000 (a copy of which is included as an Appendix herewith) also indicates that a copy of the parent application's declaration was submitted in compliance with 37 C.F.R. §1.63(d).

Accordingly, the Applicants respectfully submit that the serial number and filing date on page 1 of the Applicants' declaration corresponds to the Applicants' parent application and does not refer to their present application as alleged in the Office action.

However, it is noted that although the parent application's filing date of December 31, 1997 is properly noted on page 1 of the declaration, it appears that a typographical error occurred in specifying the parent application's serial number. Namely, the declaration incorrectly references U.S. Serial No. 09/900,478 instead of correctly referencing the parent application's U.S. Serial No. 09/001,478.

To correct this error, a Supplemental Application Data Sheet is being submitted herewith as set forth in 37 C.F.R. §1.76(c):

- (c) *Supplemental application data sheets* Supplemental application data sheets:
  - (1) May be subsequently supplied prior to payment of the issue fee either to correct or update information in a previously submitted application data sheet, or an oath or declaration under § 1.63 or § 1.67, except that inventorship changes are governed by § 1.48, correspondence changes are governed by § 1.33(a), and citizenship changes are governed by § 1.63 or § 1.67; and
  - (2) Should identify the information that is being changed (added, deleted, or modified) and therefore need not contain all the previously submitted information that has not changed.

(Emphasis added)

In light of the foregoing, the Applicants respectfully submit that the objection to the serial number and filing date on page 1 of the Applicants' declaration should be removed.

At paragraphs 2-3 in the Office action, the abstract of the disclosure was objected to because it contains more than 150 words. In response, the Applicants have amended their abstract so it now contains fewer than 150 words.

At paragraph 4 in the Office action, claim 30 was objected to because line 12 of the claim recited "the buffer" rather than "the buffer subsystem." Claim 30 has been amended to recite "the buffer subsystem," as suggested, thereby obviating the claim objection.

At paragraph 5 in the Office action, the claims 36 and 44 were rejected under 35 U.S.C.  $\S112$ , second paragraph, because the claims recited "the respective  $2^n$  classes of service" without a proper antecedent basis.

The Applicants have amended the dependent claims 36 and 44 to recite "the respective *X* classes of service" whose antecedent is found in their respective independent claims 30 and 37. Thus, the Applicants respectfully submit that the 35 U.S.C. 112, second paragraph rejections should be removed.

At paragraphs 6-7 in the Office action, the claims 30-44 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 and 9-16 in U.S. Patent No. 6,463,068.

A Terminal Disclaimer is filed herewith in compliance with 37 C.F.R. 1.321(c) to overcome the pending double patenting rejections.

PATENTS 112025-0067C1 3297

A Request to Correct Filing Receipt and a Petition under Rule 37 C.F.R. 1.182 are also being filed herewith so the Applicants' priority claim to their parent application 09/001,478, now U.S. Patent No. 6,463,068, may be properly recorded.

The Applicants submit that all pending claims are believed to be in condition for allowance and early favorable action is respectfully requested.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

Stephen E. Kabakoff

Reg. No. 51,276

CESARI AND MCKENNA, LLP

88 Black Falcon Avenue Boston, MA 02210-2414

(617) 951-2500

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APPENDIX

PATENT APPLICATION TRANSINITED.  (Chay for new neoprocisional applications under 37 C.P. & 51.83))  File   TOURS NITH CLASS OF \$8187X20   Major National Statement (Chay) for new neoprocisional application under 37 C.P. & 51.83)  See MPEP chapter 600 concerning utility application contents  See MPEP chapter 600 concerning utility application contents  1.		(	UTILITY	( )	Attorney	Docket No.	1	12025-00	T		
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## Practitioner's Docket No. 112025-0067C1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re prior application of:

Application No.:

09/616 4842

Group No.: 2665

Filed: July 14, 2000

Examiner: Nguyen, Toan D.

For: Router With Class of Service Mapping

Mail Stop Patent Application **Commissioner for Patents** P.O. Box 1450 Alexandria VA 22313-1450

## SUPPLEMENTAL APPLICATION DATA SHEET 37 C.F.R. § 1.76(c)

NOTE: "Supplemental application data sheets. Supplemental application data sheets:

- (1) May be subsequently supplied prior to payment of the issue fee either to correct or update information in a previously submitted application data sheet, or an oath or declaration under § 1.63 or § 1.67, except that inventorship changes are governed by § 1.48, correspondence changes are governed by § 1.33(a), and citizenship changes are governed by § 1.63 or § 1.67; and
- (2) Should identify the information that is being changed (added, deleted, or modified) and therefore need not contain all the previously submitted information that has not changed." 37 C.F.R. § 1.76(c).

The following information on the Application Data Sheet is changed as indicated:

#### CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory; Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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	deposited with the United States Postal Servi Box 1450, Alexandria, VA 22313-1450	ice in an envelope addressed to Commissioner for Patents, P.O.
	37 C.F.R. § 1.8(a)	37 C.F.R. § 1.10 *
	with sufficient postage as first class mail.	as "Express Mail Post Office to Addressee"  Mailing Label No. <u>EV.335591139 US</u> (mandatory)
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	facsimile transmitted to the Patent and Trad	
Da	ate: 06/30/04	Maryann Cappuccio  Maryann Cappuccio  (type or print name of person certifying)

<sup>\*</sup> Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

# BIBLIOGRAPHIC DATA

1.   Applicant information	is being   added   deleted	☐ modified:			
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Residence					
	Service Col. Processor				
Second applicant, (if any)					
GIVEN NAME	MIDDLE INITIAL OR NAME	FAMILY (OR LAST NAME)			
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Third applicant, (if any)					
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Fourth applicant, if any					
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Residence					

(Supplemental Application Data Sheet [4-1.2]—page 2 of 6)

C11 (774 1 4 1 4 1 4 1 4 1 4 1 4 1 4 1 4 1 4		
GIVEN NAME	MIDDLE INITIAL OR NAME	FAMILY (OR LAST NAME)
Citizenship		
Residence		
Sixth applicant, (if any)		
GIVEN NAME	MIDDLE INITIAL OR NAME	FAMILY (OR LAST NAME)
Citizenship		,
Residence		
☐ Applicant is not t to apply for the p	the inventor and applicant's author patent on behalf of the inventor	ority (§§ 1.42, 1.43 and 1.47 is as follows:
☐ Applicant is not t to apply for the p	the inventor and applicant's author patent on behalf of the inventor	ority (§§ 1.42, 1.43 and 1.47 is as follows:
to apply for the p	the inventor and applicant's authoroatent on behalf of the inventor the inventor ation is being added dele	is as follows:
to apply for the p  2. Correspondence informs  NOTE: 37 C.F.R. § 1.76(b)(2): "(3)	natent on behalf of the inventor  ation is being □ added □ dele  2) Correspondence information. This information is the information of the indicated by reference to a customer number of the indicated by reference to a customer number of the indicated by reference to a customer number of the indicated by reference to a customer number of the indicated by reference to a customer number of the inventor indicated by reference to a customer number of the inventor indicated by reference to a customer number of the inventor indicated by reference to a customer number of the inventor indicated by reference to a customer number of the inventor indicated by reference to a customer number of the inventor indicated by reference to a customer number of the inventor indicated by reference to a customer number of the inventor indicated by reference to a customer number of the inventor indicated by reference to a customer number of the inventor indicated by reference to a customer number of the inventor indicated by reference information.	eted  modified:
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(Supplemental Application Data Sheet [4-1.2]—page 3 of 6)

3. Appl	ication information is being   added   deleted   modified:
	37 C.F.R. § 1.76(b)(3): "Application information. This information includes the title of the invention, a suggested classification, by class and subclass, the Technology Center to which the subject matter of the invention is assigned, the total number of drawing sheets, a suggested drawing figure for publication (in a nonprovisional application), any docket number assigned to the application, the type of application (e.g., utility, plant, design, reissue, provisional), whether the application discloses any significant part of the subject matter of an application under a secrecy order pursuant to § 5.2 of this chapter (see § 5.2(c)), and, for plant applications, the Latin name of the genus and species of the plant claimed, as well as the variety denomination. The suggested classification and Technology Center information should be supplied for provisional applications whether or not claims are present. If claims are not present in a provisional application, the suggested classification and Technology Center should be based upon the disclosure."
Title	of Invention:
Doc	ket number assigned to this application:
Sug	gested Classification: Class:
J	Subclass:
	Technology Center to which subject matter is assigned:
NOTE:	"The suggested classification and Technology Center information should be supplied for provisional applications whether or not claims are present. If claims are not present in a provisional application, the suggested classification and Technology Center should be based upon the disclosure." 37 C.F.R. § 1.76(b)(3).
Total i	number of drawing sheets:
Type o	of application:
	utility
	☐ application is to be published
	Suggested drawing figure for publication:
	application is not to be published
	plant
	☐ Latin names of the genus
	species
	of plant being claimed.
	design
	reissue
	p. c
	recy order under § 5.2:
Tł	nis application
	☐ does not disclose
	☐ discloses a significant part of the
SU	bject matter of an application which is under a secrecy order pursuant to § 5.2.
	(Supplemental Application Data Sheet TF5>[4-1.2]page 4 of 6)

4. Re	epres	entative	informa	tion is b	peing added deleted modified:
NOTE	nui (pre doc	nber of ea eferably by	ch practi reference stitute a	tioner hav to a cust	epresentative information. This information includes the registration ing a power of attorney or authorization of agent in the application omer number). Providing this information in the application data sheet attorney or authorization of agent in the application (see § 1.34(b))."
The	follo	wing hav	e a po	wer of a	ttorney or authorization of agent in this application:
N	ame	of attorn	ey (age	nt):	
A	ddres	s:			
C	uston	ner No.:			
<b>5.</b> Do	omes	tic Priori	ty inforr	nation is	s being □ added □ deleted 🗷 modified:
NOTE	sta is c she § 1	tus (includi laimed unc et constitu .78(a)(4), a	ng paten ler 35 U.S utes the nd need	t number ( 6.C. 119(e) specific re not otherv	his information includes the application number, the filing date, the if available), and relationship of each application for which a benefit, 120, 121, or 365(c). Providing this information in the application data after
	X I	Domestic	priorit	y for thi	s application is claimed as follows:
	1	] 35 L	J.S.C. §	119(e):	Application No.:
					Filed:
					Status:
					Relationship:
	[	<b>X</b> 35 U	I.S.C. §	120:	Application No.: 09/001,478
					Filed: December: 31, 1997
					Status: <u>Issued as U.S. Patent No. 6,463,068</u>
					Relationship: Parent Application
	[	□ 35 U	.S.C. §	121:	Application No.:
					Filed:
					Status:
					Relationship:
	[	] 35 ∪	.S.C. §	365(c):	Application No.:
					Filed:
					Status:
					Relationship:

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<b>6.</b> Fore	eign priority information is being	added deleted modified:
NOTE:	"Foreign priority information. This inform of each foreign application for which prio date before that of the application for	ation includes the application number, country, and filing date rity is claimed, as well as any foreign application having a filing which priority is claimed. Providing this information in the him for priority as required by 35 U.S.C. 119(b) and § 1.55(a)."
□F	oreign priority is claimed for this	application as follows:
	Country:	
	Application No.:	
	Filing date:	
	Status:	
	Foreign application having a fi which priority is claimed.	ling date before that of the above application for
	☐ None	
	☐ Country:	
	Application No.:	
	Filing date:	
	Status:	
7. Assi	gnee information is being 🗌 add	led 🗌 deleted 🗎 modified:
	information in the application data sheet part 3 of this chapter to have an assigni	
	or the application data sheet (§ 1.76). application publication unless this infor application data sheet included with the application data sheet (§ 1.76).	rants the patent application publication to include assignee the assignee information on the application transmittal sheet. Assignee information may not be included on the patent mation is provided on the application transmittal sheet or upplication on filing. Providing this information on the application heet does not substitute for compliance with any requirement animent recorded by the Office."
The as	ssignee(s) of this application is/a	
	an of appliance.	
	ress of assignee:	
	•	
Exte	ent of interest of assignee in app	lication:
Reg. No.	51,276	Signature of Practitioner
Tel. No. (	617 951-2500	Stephen E. Kabakoff (type or print name of practitioner)
Customer	· No.	88 Black Falcon Ave., Ste. 271 P.O. Address
		_Boston, MA 02210

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